

Notice of Allowability

Application No.

09/926,546

Examiner

Joseph C. Merek

Applicant(s)

DENKO, JACQUES

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 11-15 and 19-34.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 6/28/04.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>2004/6/24</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Drawings

The drawing objection from the previous office action is hereby withdrawn. The structure is shown in Figs. 1 and 3.

Applicant is required New corrected drawings are required in this application because of the corrections to the drawings submitted 5/23/02 which have been approved by the examiner. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

The objection to the specification made in the previous office action is hereby withdrawn. The amendments to the specification are supported by the original specification, claims, and drawings.

Claim Rejections - 35 USC § 112

The 112 1st paragraph rejections made in the previous office action are hereby withdrawn. The original claims specified that the device is adapted to store valuables during nautical activities as well as the foldable tongues fixed to the flap or to the journal system of the rigid bars. No further description is required as one of ordinary skill in the art would understand this structure from the disclosure and the drawings.

Election/Restrictions

Claims 22 and 23 are hereby rejoined. They have been rejoined since they now depend from an allowable claim.

Since all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement made in the Office action mailed on 7/15/03 is hereby withdrawn.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Preta on June 24, 2004.

The application has been amended as follows:

In claim 11, line 8, --another of the two rigid bars being disposed between the flap and one of the impermeable walls at a position below the opening; and-- has been inserted after "and".

Claim 33, line 9, --the one of the two rigid bars being disposed between the flap and the one of the impermeable walls at a position below the opening; and-- has been inserted after "closed;".

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Claim 34, line 9, --the one of the two rigid bars being disposed between the flap and the one of the impermeable walls at a position below the opening; and-- has been inserted after "closed;".

In the abstract:

The previous abstract has been replaced with the following new abstract;

Abstract of the Disclosure

The container is an envelope which has impermeable walls which are open toward the upper part thereof and has two rigid parallel bars which can fit tightly around the edges of the opening in order to seal the opening, at least one of the bars is fixed to a closure flap of the envelope and a system for locking in a tight position is disposed on both ends of the bars.

The following is an examiner's statement of reasons for allowance: the prior art does not teach the claimed structure including where container is an envelope with two rigid bars where the bars are fixed to the flap at different location and where one of the bars is located between the flap and one of the walls at a position below the opening of the container. The Swiss reference 171,901 has two bars secured to a flap but does not teach one of the bars being disposed between on of the walls and the flap at a position below the opening in the container. To provide this reference with this structure would have required hindsight.

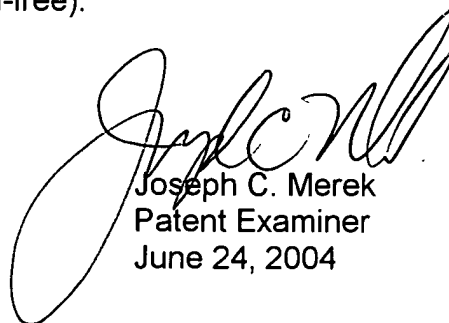
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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C. Merek whose telephone number is (703) 305-0644. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph C. Merek
Patent Examiner
June 24, 2004